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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2010-165*

12 **MARA ELNEST FELICIANO BAMBA**  
13 **aka Mara Elnest Gapulan Feliciano**  
14 **30588 Treeview Street**  
**Hayward, CA 94544**

**ACCUSATION**

15 **Registered Nurse License No. 684512**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about July 25, 2006, the Board of Registered Nursing issued Registered Nurse  
24 License Number 684512 to Mara Elnest Feliciano Bamba (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on April 30, 2010, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.  
5

6 STATUTORY PROVISIONS

7 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
8 that the Board may discipline any licensee, including a licensee holding a temporary or an  
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
10 Nursing Practice Act.

11 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
13 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
14 Code, the Board may renew an expired license at any time within eight years after the expiration.

15 6. Section 118, subdivision (b), of the Code provides that the expiration of a license  
16 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
17 within which the license may be renewed, restored, reissued or reinstated.

18 7. Section 2761 of the Code states:

19 "The board may take disciplinary action against a certified or licensed nurse or deny an  
20 application for a certificate or license for any of the following:

21 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

22 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
23 functions."

24 . . .

25 8. California Code of Regulations, title 16, section 1443, states:

26 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
27 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
28 exercised by a competent registered nurse as described in Section 1443.5."

1           9. California Code of Regulations, title 16, section 1443.5 states:

2           "A registered nurse shall be considered to be competent when he/she consistently  
3 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
4 sciences in applying the nursing process, as follows:

5           "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
6 and behavior, and through interpretation of information obtained from the client and others,  
7 including the health team.

8           "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
9 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
10 for disease prevention and restorative measures.

11           "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
12 treatment to the client and family and teaches the client and family how to care for the client's  
13 health needs.

14           "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
15 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
16 effectively supervises nursing care being given by subordinates.

17           "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
18 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
19 communication with the client and health team members, and modifies the plan as needed.

20           "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
21 health care or to change decisions or activities which are against the interests or wishes of the  
22 client, and by giving the client the opportunity to make informed decisions about health care  
23 before it is provided."

24           10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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1 FACTUAL BACKGROUND

2 11. On or about April 1, 2007, at approximately 23:00, Respondent assumed the care of  
3 patient D.S. at Stanford Hospital in Palo Alto, California. D.S. was 72 years old and had  
4 undergone bilateral knee replacement on March 30, 2007 at Stanford Hospital. At 12:00 on April  
5 1, 2007, D.S.'s blood pressure was 150/63. At 19:50, her blood pressure was 106/57. At 23:40,  
6 shortly after Respondent came on shift, D.S.'s blood pressure dropped to 92/46. At 05:23 on  
7 April 2, 2007, D.S.'s blood pressure was 92/54. During Respondent's shift, D.S. was nauseated  
8 and refused Tylenol. D.S. had received a fluid bolus of 1 liter at 16:30 on April 1, 2007, and she  
9 had intravenous fluids administered at a rate of 125 cc per hour. Despite this, she voided only 25  
10 cc's at 06:55 on April 2, 2007. Early in the morning on April 2, 2007, D.S. was admitted to the  
11 intensive care unit at Stanford. At approximately 13:05 on April 3, 2007, D.S. died from an  
12 incarcerated bowel.

13  
14 FIRST CAUSE FOR DISCIPLINE

15 (GROSS NEGLIGENCE)

16 12. Respondent is subject to disciplinary action under section 2761(a), in that she was  
17 incompetent when she failed to evaluate D.S.'s low blood pressure and report her findings to the  
18 patient's M.D.

19 SECOND CAUSE FOR DISCIPLINE

20 (UNPROFESSIONAL CONDUCT)

21 13. Respondent is subject to disciplinary action under section 2761(a), in that she acted  
22 unprofessionally when she failed to evaluate D.S.'s low blood pressure and report her findings to  
23 the patient's M.D.

24  
25 PRAYER


26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:  
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1           1.    Revoking or suspending Registered Nurse License Number 684512, issued to Mara  
2 Elnest Feliciano Bamba.

3           2.    Ordering Mara Elnest Feliciano Bamba to pay the Board of Registered Nursing the  
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
5 Professions Code section 125.3;

6           3.    Taking such other and further action as deemed necessary and proper.  
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9  
10 DATED: 9/15/09

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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